

**BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. W263

JOYCE ELAINE WILMES-REITZ  
23632 Calabasas Road, #202  
Calabasas, CA 91302-1553

Psychologist License No. PSY 9173


Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 21, 2004.

It is so ORDERED March 22, 2004.

  
\_\_\_\_\_  
FOR THE BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
WILLIAM LEW TAN, PRESIDENT

1 BILL LOCKYER, Attorney General  
of the State of California  
2 CHRISTINA M. THOMAS, State Bar No. 171168  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2557  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **BOARD OF PSYCHOLOGY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. W263

13 JOYCE ELAINE WILMES-REITZ  
23633 Calabasas Road, #202  
Calabasas, CA 91302-1553

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Psychologist License No. PSY 9173

15 Respondent.

16  
17 In the interest of a prompt and speedy settlement of this matter, consistent with the  
18 public interest and the responsibility of the Board of Psychology of the Department of Consumer  
19 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
20 which will be submitted to the Board for approval and adoption as the final disposition of the  
21 Accusation.

22 **PARTIES**

23 1. Thomas S. O'Connor (Complainant) is the Executive Officer of the Board  
24 of Psychology. He brought this action solely in his official capacity and is represented in this  
25 matter by Bill Lockyer, Attorney General of the State of California, by Christina M. Thomas,  
26 Deputy Attorney General.

27 2. Respondent Joyce Elaine Wilmes-Reitz (Respondent) is represented in this  
28 proceeding by attorney Mark Schreiber, whose address is Attorney at Law, 22144 Clarendon

1 CULPABILITY

2 8. Respondent admits for the purposes of this proceeding and any proceeding  
3 before the Board of Psychology only, the truth of each and every charge and allegation in  
4 Accusation No.W263.

5 9. Respondent agrees that her Psychologist License is subject to discipline  
6 and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary  
7 Order below.

8 CONTINGENCY

9 10. This stipulation shall be subject to approval by the Board of Psychology.  
10 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
11 Psychology may communicate directly with the Board regarding this stipulation and settlement,  
12 without notice to or participation by Respondent or her counsel. By signing the stipulation,  
13 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind  
14 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
15 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
16 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
17 between the parties, and the Board shall not be disqualified from further action by having  
18 considered this matter.

19 11. The parties understand and agree that facsimile copies of this Stipulated  
20 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
21 force and effect as the originals.

22 12. In consideration of the foregoing admissions and stipulations, the parties  
23 agree that the Board may, without further notice or formal proceeding, issue and enter the  
24 following Disciplinary Order:

25 DISCIPLINARY ORDER

26 IT IS HEREBY ORDERED that Psychologist License No. W263 issued to  
27 Respondent Joyce Elaine Wilmes-Reitz is revoked. However, the revocation is stayed and  
28 Respondent is placed on probation for four (4) years on the following terms and conditions.

1                   1.     **Notification To Employer.** Respondent shall provide each of her  
2 employers, where Respondent is providing psychological services, a copy of this Decision and  
3 the Accusation before commencing employment. Notification to Respondent's current employer  
4 shall occur no later than the effective date of the Decision. Respondent shall submit, upon  
5 request by the Board or its designee, satisfactory evidence of compliance with this term of  
6 probation.

7                   2.     **Examination.** Respondent shall take the CJPEE within 90 days of the  
8 effective date of the decision. If Respondent fails such examination, Respondent shall  
9 immediately cease accepting new patients and, in accordance with professional standards, shall  
10 appropriately refer/terminate existing patients within 30 days and shall not resume practice until  
11 the re-examination has been successfully passed, as evidenced by written notice to Respondent  
12 from the Board or its designee. During this period of non-practice, probation shall be tolled and  
13 will not commence again until the suspension is completed. It is Respondent's responsibility to  
14 contact the Board in writing to make arrangements for such examination. Respondent shall pay  
15 the established examination fee(s).

16                  3.     **Coursework.** Respondent shall take and successfully complete not less  
17 than 12 hours each year of probation in the following areas: multiple role relationships,  
18 confidentiality, and record keeping. Coursework must be pre-approved by the Board or its  
19 designee. All coursework shall be taken at the graduate level at an accredited educational  
20 institution or by an approved continuing education provider. Classroom attendance is  
21 specifically required; correspondence or home study coursework shall not count toward meeting  
22 this requirement. The coursework must be in addition to any continuing education courses that  
23 may be required for license renewal.

24                         Within 90 days of the effective date of this Decision, Respondent shall submit to  
25 the Board or its designee for its prior approval a plan for meeting the educational requirements.  
26 All costs of the coursework shall be paid by Respondent.

27     ///

28     ///

4. **Ethics Course.** Within 90 days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval a course in laws and ethics as they relate to the practice of psychology. Said course must be successfully completed at an accredited educational institution or through a provider approved by the Board's accreditation agency for continuing education credit. Said course must be taken and completed within one year from the effective date of this Decision. The cost associated with the law and ethics course shall be paid by Respondent.

5. **Investigation/Enforcement Cost Recovery.** Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$1,000 within the first year of probation. Such costs shall be payable to the Board of Psychology and are to be paid regardless of whether the probation is tolled. Failure to pay such costs shall be considered a violation of probation.

The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility to repay investigation and enforcement costs.

6. **Probation Costs.** Respondent shall pay the costs associated with probation monitoring each and every year of probation. Such costs shall be payable to the Board of Psychology at the end of each fiscal year (June 30). Failure to pay such costs shall be considered a violation of probation.

The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility to repay probation monitoring costs.

7. **Obey All Laws.** Respondent shall obey all federal, state, and local laws and all regulations governing the practice of psychology in California including the ethical guidelines of the American Psychological Association. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence.

8. **Quarterly Reports.** Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board or its designee, stating whether there has been compliance with all the conditions of probation. Quarterly reports attesting to non-practice status

1 compliance with all the conditions of probation. Quarterly reports attesting to non-practice status  
2 are to be submitted if probation is tolled.

3           9.     **Probation Compliance.** Respondent shall comply with the Board's  
4 probation program and shall, upon reasonable notice, report to the Board of Psychology  
5 probation monitor. Respondent shall contact the assigned probation monitor regarding any  
6 questions specific to the probation order. Respondent shall not have any unsolicited or  
7 unapproved contact with 1) complainants associated with the case; 2) Board members or  
8 members of its staff; or 3) persons serving the Board as expert evaluators.

9           10.    **Interview with Board or its Designee.** Respondent shall appear in  
10 person for interviews with the Board or its designee upon request at various intervals and with  
11 reasonable notice.

12           11.    **Changes of Employment.** Respondent shall notify the Board in writing,  
13 through the assigned probation monitor, of any and all changes of employment, location, and  
14 address within 30 days of such change.

15           12.    **Tolling for Out-of-State Practice, Residence or In-State Non-Practice.**  
16 In the event Respondent should leave California to reside or to practice outside the State, or for  
17 any reason should Respondent stop practicing psychology in California, Respondent shall notify  
18 the Board or its designee in writing within ten days of the dates of departure and return or the  
19 dates of non-practice within California. Non-practice is defined as any period of time exceeding  
20 thirty days in which Respondent is not engaging in any activities defined in Sections 2902 and  
21 2903 of the Business and Professions Code. During periods of non-practice, the probationary  
22 period is tolled and Respondent's license or registration shall be placed on inactive status. The  
23 probationary period will not commence again until Respondent activates his or her license and  
24 resumes practicing psychology in the state of California. However, the Board may require  
25 Respondent to complete certain terms of probation that are not associated with active practice  
26 and Respondent will be required to pay cost recovery and restitution as ordered.

27           13.    **Employment and Supervision of Trainees.** If Respondent is licensed as  
28 a psychologist, he/she shall not employ or supervise or apply to employ or supervise

1 psychological assistants, interns or trainees during the course of this probation. Any such  
2 supervisorial relationship in existence on the effective date of this probation shall be terminated  
3 by Respondent and/or the Board.

4 14. Violation of Probation. If Respondent violates probation in any respect,  
5 the Board may, after giving Respondent notice and the opportunity to be heard, revoke probation  
6 and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke  
7 Probation is filed against Respondent during probation, the Board shall have continuing  
8 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
9 is final. No Petition for Modification or Termination of Probation shall be considered while  
10 there is an Accusation or Petition to Revoke Probation pending against Respondent.

11 15. Completion of Probation. Upon successful completion of probation,  
12 Respondent's license shall be fully restored.

13  
14 ACCEPTANCE

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
16 have fully discussed it with my attorney, Mark Schreiber. I understand the stipulation and the  
17 effect it will have on my Psychologist License. I enter into this Stipulated Settlement and  
18 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
19 Decision and Order of the Board of Psychology.

20 DATED: 1-31-04

21  
22 Joyce Wilmes-Reitz Ph.D.  
23 JOYCE ELAINE WILMES-REITZ  
Respondent

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1 I have read and fully discussed with Respondent Joyce Elaine Wilmes-Reitz the  
2 terms and conditions and other matters contained in the above Stipulated Settlement and  
3 Disciplinary Order. I approve its form and content.

4 DATED: February 3, 2004.

5  
6  
7 

8 MARK SCHREIBER  
Attorney for Respondent

9  
10 ENDORSEMENT

11 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
12 submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

13 DATED: 2/6/04.

14 BILL LOCKYER, Attorney General  
15 of the State of California

16 

17 CHRISTINA M. THOMAS  
18 Deputy Attorney General

19 Attorneys for Complainant  
20

21 DOJ Docket: 03542110-LA2003500292  
22 JZ  
23 60016851.wpd  
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**Exhibit A**

**Accusation No. W263**

BILL LOCKYER, Attorney General  
of the State of California  
NANCY ANN STONER, State Bar No. 72839  
Deputy Attorney General, for  
E. A. JONES, III,  
Deputy Attorney General  
California Department of Justice  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 897-2543  
Facsimile: (213) 897-9395

Attorneys for Complainant

BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. W263

JOYCE E. WILMES-REITZ, PH.D.  
23632 Calabasas Road, #202  
Calabasas, CA 91302-1553

ACCUSATION

Psychologist License No. PSY 9173

Respondent.

Complainant alleges:

PARTIES

1. Thomas S. O'Connor (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Board of Psychology, Department of Consumer Affairs.

2. On or about July 29, 1985, the Board of Psychology issued Psychologist License Number PSY 9173 to Joyce E. Wilmes-Reitz, Ph.D. (Respondent). The Psychologist License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2005, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Psychology (Board),

1 Department of Consumer Affairs, under the authority of the following laws. All section  
2 references are to the Business and Professions Code unless otherwise indicated.

3 4. Section 2960 of the Code states, in pertinent part:

4 "The board may refuse to issue any registration or license, or may issue a  
5 registration or license with terms and conditions, or may suspend or revoke the registration or  
6 license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of  
7 unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

8 ". . . .

9 "(j) Being grossly negligent in the practice of his or her profession.

10 ". . . .

11 "(r) Repeated acts of negligence."

#### 12 COST RECOVERY

13 5. Section 125.3 of the Code states, in pertinent part, that the Board may  
14 request the administrative law judge to direct a licentiate found to have committed a violation or  
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
16 and enforcement of the case.

17 6. Section 2964.6 of the Code states:

18 "An administrative disciplinary decision that imposes terms of probation may  
19 include, among other things, a requirement that the licensee who is being placed on probation  
20 pay the monetary costs associated with monitoring the probation.

#### 22 FIRST CAUSE FOR DISCIPLINE

23 (Gross Negligence)

24 7. Respondent is subject to disciplinary action under section 2960,  
25 subdivision (j) of the Code in that Respondent committed acts of gross negligence during and  
26 after her care and treatment of patient E.H. The circumstances are as follows:

27 8. In or about 1992 patient E.H. initially received therapy from Respondent.  
28 Patient E.H. again received therapy from Respondent from on or about February 10, 1995, until

on or about June 30, 1997. The therapy rendered to E.H. in 1995 through 1997 included individual therapy and women's group therapy, as well as couple's therapy provided to E.H. and her husband, M.H.

9. During the therapeutic relationship, Respondent disclosed personal information about her marital relationship, her children, her practice, and other matters to the patient. Respondent gave the patient extra session time, frequently hugged her, and discussed "becoming friends." Respondent accepted gifts for herself and her family from the patient, including movie and television show promotional items, film screening tickets, and other studio events, among other things. Respondent's family also used the patient's condominium in Escondido for a weekend. On occasion, Respondent bartered co-payment fees in exchange for tickets from patient E.H.

10. Respondent did not make or keep any progress notes while treating patient E.H. Respondent had performed a multi-axial assessment of patient E.H. in 1992, and diagnosed her with dysthemia (depression) and dependent personality disorder. Respondent did not perform any other subsequent diagnostic assessments, but felt the patient still had a dependent personality disorder when therapy was terminated.

11. In June, 1997, before therapy terminated, patient E.H. discussed her desire to find another therapist who would "go deeper" into her issues, rather than be "the friend that Joyce is." Patient E.H. and Respondent expressed sadness about therapy ending and intended to remain in contact and become friends.

12. After therapy terminated on or about June 30, 1997, Respondent continued to have a personal relationship with E.H. until on or about December 18, 2001. That relationship included numerous telephone calls, meetings with each other, studio and theme park visits for Respondent and her family, discussions of Respondent's intimate personal matters, numerous gifts to Respondent and her family, and giving clothes to Respondent, among other things. Some of the gifts accepted by Respondent led to social situations which included the families of E.H. and Respondent. Respondent and her children sent E.H. numerous cards and letters thanking her for her generous and frequent gifts.

1                   13.     The following acts and omissions committed during and after  
2 Respondent's care and treatment of Patient E.H. taken singularly or collectively, constitute gross  
3 negligence:

4                   a.     Respondent engaged in a dual relationship with patient E.H. which was  
5 exploitative, interfered with treatment, and put the patient at risk of harm. The dual  
6 relationship commenced during the therapeutic relationship, intensified as time went on,  
7 and continued uninterrupted after therapy terminated;

8                   b.     Respondent fostered a personal relationship through self-disclosure,  
9 accepting gifts, and developing a friendship with patient E.H. which conflicted with the  
10 therapeutic relationship and clinical needs of the patient;

11                  c.     Respondent failed to establish or maintain clear therapeutic boundaries  
12 between her private and personal life and that of her patient's. Respondent committed  
13 boundary violations by involving the patient in a personal and social relationship,  
14 involving the patient with the therapist's family, and telling the patient how important she  
15 was to the therapist and to the therapist's family, among other violations;

16                  d.     Respondent failed to recognize, and should have known, that she was able  
17 to exert undue influence on patient E.H., who had unresolved family issues and a  
18 diagnosis of Dependant Personality Disorder and was particularly vulnerable;

19                  e.     Respondent failed to recognize, and should have known, that she was able  
20 to exploit, complicate, and/or obscure the patient's therapeutic issues of dependency by  
21 failing to set boundaries, involving the patient in a personal relationship, encouraging  
22 transference feelings, making the patient feel "special," accepting gifts, and including  
23 the therapist's family in this relationship;

24                  f.     Respondent failed to recognize the patient's transference of feelings to  
25 Respondent, and her increasing dependence on Respondent's approval as therapy  
26 continued. She failed to deal with these issues in a therapeutic manner, and increased the  
27 risk of harm to the patient by developing a personal and dual relationship and by not  
28 setting therapeutic boundaries;

1           g.       Respondent compromised her own ability to render treatment and remain  
2       objective, and her patient's ability to receive or benefit from treatment by having a  
3       personal relationship and accepting gifts from the patient;

4           h.       Respondent failed to assure that entering into a nontherapeutic relationship  
5       with the patient, or former patient, would not put the patient or the treatment at risk.  
6       Respondent failed to consider the risks of such a relationship and their impact on the  
7       patient's current and future therapeutic treatment, she did not explore these issues with  
8       the patient, obtain the patient's informed consent, or consult with another professional  
9       before entering into a dual relationship with E.H.

10          i.       Respondent accepted gifts, and developed a pattern of accepting gifts for  
11       herself and her family from E.H., both during and after the therapeutic relationship.  
12       Respondent failed to recognize, and minimized, the significance of these gifts from the  
13       patient, and that accepting the gifts might exploit, compromise, and distort the patient's  
14       therapeutic relationships;

15          j.       Respondent bartered, or allowed the patient to pay for some treatment  
16       expenses with tickets or other items. Respondent failed to discuss with the patient, and  
17       document, the ethical, clinical, or financial issues involved with this arrangement. She  
18       failed to take into consideration the risks of such an arrangement with this patient, that the  
19       exchange may be, or appear to be, exploitative to the patient, particularly in view of the  
20       pattern of accepting other gifts and the failure to establish the value of the items bartered;

21          k.       Respondent failed to put the patient's clinical needs first in therapy. She  
22       fostered the patient's dependency during the therapeutic relationship and exploited that  
23       dependency to discuss her own personal issues after therapy terminated;

24          l.       Respondent failed to set and maintain the conditions of treatment,  
25       including therapeutic boundaries; she failed to determine what kind of contact, disclosure,  
26       and relationship are in the patient's best clinical interest, both during and after therapy,  
27       and to behave accordingly; she abdicated her responsibility for, and control of, the  
28       therapeutic relationship in her patient's interest;

1 m. Respondent failed to maintain progress notes and treatment records of  
2 patient E.H.'s therapy. She failed to conduct or document a discharge assessment and did  
3 not make any written assessment of patient E.H.'s progress and final diagnosis prior to  
4 terminating therapy.

5 SECOND CAUSE FOR DISCIPLINE

6 (Repeated Acts of Negligence)

7 14. Respondent is subject to disciplinary action under section 2960,  
8 subdivision (r) of the Code in that she committed repeated acts of negligence during and after her  
9 care and treatment of patient E.H.

10 a. The facts and circumstances set forth in paragraphs 7 through 13 are  
11 incorporated here.

12 THIRD CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct)

14 15. Respondent is subject to disciplinary action under section 2960 of the  
15 Code in that she committed general unprofessional conduct during and after her care and  
16 treatment of patient E.H.

17 a. The facts and circumstances set forth in paragraphs 7 through 14 are  
18 incorporated here;

19 b. Respondent was not aware that a psychologist was required to maintain  
20 treatment records until sometime after 1997;

21 c. Respondent was not aware of any guidance about whether to have a post-  
22 therapy relationship with a patient, she thought there was a two year waiting period for a  
23 post-therapy friendship, she failed to consult with another professional or research the  
24 issue, and she failed to abide by this erroneous two year limitation with patient E.H., even  
25 though she claimed E.H.'s Dependent Personality Disorder remained "relatively  
26 unchanged" at the time of termination.

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PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Psychology issue a decision:

1. Revoking or suspending Psychologist License Number PSY 9173, issued to Joyce E. Wilmes-Reitz, Ph.D.;

2. Ordering Joyce E. Wilmes-Reitz, Ph.D. to pay the Board of Psychology the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring;

3. Taking such other and further action as deemed necessary and proper.

DATED: October 8, 2003 .

  
THOMAS S. O'CONNOR  
Executive Officer  
Board of Psychology  
Department of Consumer Affairs  
State of California  
Complainant

03598160-LA2003AD1141  
Wil-Accusation.wpd



DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation filed  
Against:

Joyce Elaine Wilmes-Reitz, Ph.D.

No.: W263

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Joyce Elaine Wilmes-Reitz, Ph.D.  
23632 Calabasas Road, #202  
Calabasas, CA 91302


7001 2510 0001 2147 2698

Mark Schreiber, Esq.  
22144 Clarendon Street, Ste. 200  
Woodland Hills, CA 91367

Christina Thomas  
Deputy Attorney General  
Office of the Attorney General  
300 S. Spring Street, Ste. 1702  
Los Angeles, CA 90013

Each said envelope was then on March 22, 2004, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, March 22, 2004, at Sacramento, California.  
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
DECLARANT  
Kathi Burns  
Enforcement Coordinator